

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

BARBARA H. LEE, et al.,

Plaintiffs,

V.

VIRGINIA STATE BOARD OF ELECTIONS,
et al.,

Virginia

Defendants.

Civil Action No: 3:15 CV 357

United States District Judge
For the Eastern District of

**LEGISLATIVE NONPARTIES' MOTION FOR STAY OF DISCOVERY AND
MOTION TO QUASH SUBPOENAS AND/OR MOTION FOR PROTECTIVE
ORDER**

Pursuant to Fed. R. Civ. P. 26(b)(2) and 45(d)(3)(A), Non-party Members of the Virginia General Assembly¹ (collectively, the “Movants” or “Legislators”), by and through the undersigned counsel, hereby move this Court to: (1) stay discovery pending the outcome of the pending motion to dismiss; and (2) quash the subpoenas issued by the Plaintiffs and/or issue a protective order with respect to the subpoenas.

¹ The legislative non-parties are: Speaker of the Virginia House of Delegates William Howell; Majority Leader of the Virginia Senate Kirk Cox; Delegate Tim Hugo; Delegate Rob Bell; Delegate Margaret Ransone; Delegate Randy Minchew; Delegate David Ramadan; Delegate Buddy Fowler; Delegate Mark Cole; Delegate John O'Bannon; Delegate Nick Rush; Delegate Joseph Yost; Delegate Israel O'Quinn; Delegate Riley Ingram; Delegate Dave Albo; Delegate Steve Landes; Delegate Chris Jones; Senator Jill Vogel; Senator Bryce Reeves; Senator John Cosgrove; Senator Bill Carrico; Senator Mark Obenshain; Senator Steve Martin; Senator Dick Black; and Senator Jeffrey McWaters.

For the reasons outlined in the attached Memorandum in Support, discovery from nonparty, individual legislators should be stayed pending the outcome of the Defendants' Motion to Dismiss. Additionally, for the reasons outlined in the attached Memorandum in Support, this Court should quash the subpoenas because they seek information that is privileged, and are overly broad, burdensome, and cumulative, and/or issue a protective order with respect to the subpoenas to narrow their scope to permissible bounds.

Respectfully submitted: September 25, 2015

/s/
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RULE 26(c)(1) CERTIFICATION

Pursuant to Rule 26(c)(1) of the Federal Rules of Civil Procedure and Local Civil Rule 7, counsel for Movants certify that they have conferred in good faith with counsel for Plaintiffs via telephone to explore the possibility of narrowing or resolving this issue without court action. Those efforts were unsuccessful.

CERTIFICATE OF SERVICE

I hereby certify that on September 25, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent a notification to all counsel of record.

Respectfully submitted,

By: /S/

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